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UNITED STATES DISTRICT COURT

JMB
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WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

DOUGLAS ALLEN KANE

CIVIL ACTION NO. 05-135-LC

VS.

SECTION P

LAKE CHARLES POLICE DEPT.,

JUDGE MINALDI

ET AL.

MAGISTRATE JUDGE WILSON

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record;

IT IS ORDERED that plaintiff's civil rights action is **DISMISSED WITHOUT PREJUDICE** under 42 U.S.C. §1997e for plaintiff's failure to exhaust available administrative remedies prior to the filing of suit.

IT IS ALSO ORDERED that plaintiff's request that he been given an extension of time to file an amended complaint until he hires an attorney upon his release from prison be **DENIED** as such relief would not cure the deficiency of plaintiff's failure to exhaust administrative remedies prior to filing this suit.

THUS DONE AND SIGNED, in chambers, in Lake Charles, Louisiana, on this 2
day of December, 2005.

Patricia Minaldi
PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE